

STAND. COM. REP. NO. 801

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 536  
S.D. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.  
No. 536, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PRESCRIPTIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that existing law intended to curb over-access to and abuse of opioids, including the time frame for filling prescriptions, supply limitations, and requirements to check the state electronic prescription accountability system and execute an informed consent process, do not apply to qualifying patients who are prescribed or issued prescriptions pursuant to the State's Our Care, Our Choice Act.

Your Committee received testimony in support of this measure from the O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that allowing medications prescribed to terminally ill patients pursuant to the Our Care, Our Choice Act to be filled and held by the pharmacy for up to thirty days will increase convenience and diminish the risk of accidental poisoning for those patients. Your Committee further finds that, as currently written, section 329-38, Hawaii Revised Statutes, was amended by Act 66, Session Laws of Hawaii 2017, and is subject to



repeal and reenactment on June 30, 2023. Your Committee recommends keeping the amendments made in this measure permanently. Therefore, your Committee additionally finds that an amendment is necessary to preserve the provisions of this measure from the effects of the repeal and reenactment of Act 66, Session Laws of Hawaii 2017.

Accordingly, your Committee has amended this measure by providing that the amendments made to section 329-38, Hawaii Revised Statutes, by this measure shall not be repealed when that section is repealed and reenacted pursuant to Act 66, Session Laws of Hawaii 2017.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 536, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 536, S.D. 2.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 536, SD 1</b>	Committee Referral: <b>CPH, JDC</b>	Date: <b>2/21/19</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between;"> <span><input type="checkbox"/> Pass, unamended 2312</span> <span><input checked="" type="checkbox"/> Pass, with amendments 2311</span> <span><input type="checkbox"/> Hold 2310</span> <span><input type="checkbox"/> Recommit 2313</span> </div>				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
FEVELLA, Kurt				✓
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> <div style="display: flex; justify-content: space-around; font-size: small;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

**\*Only one measure per Record of Votes**